



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
MEDFORD DISTRICT OFFICE
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Medford, Oregon 97504
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IN REPLY REFER TO:

1792/8370 (11785)
MRP-25 1
Marathon Event
G6176(KP:cb)

MAR 2 2001

Dear Friend:

Enclosed is a copy of the Decision Record and associated environmental analysis (i.e. Documentation of Land Use Plan Conformance and NEPA Adequacy) for the marathon jet boat races, Classes A through C and Unlimited, to be held Memorial Day weekend 2001.

The marathon jet boat races are authorized from Grants Pass to Almeda Park (28 miles) on the Recreation Section of the Rogue National Wild and Scenic River on May 26 and May 27, 2001. In addition, a hydroplane race has been authorized from Grants Pass to Robertson Bridge, a distance of 13 miles on May 28, 2001.

If you have any questions regarding the enclosed documents, please feel free to call Eric Schoblom, Team Leader, at (541) 618-2271.

Thank you for your interest in management of the Rogue National Wild and Scenic River.

Sincerely,

Abbie Jossie
Field Manager
Grants Pass Resource Area

Enclosures (2)

Documentation of Land Use Plan Conformance and NEPA Adequacy
Decision Record

DECISION OF THE FIELD MANAGER REGARDING THE
GRANTS PASS ACTIVE CLUB'S APPLICATION TO
AMEND SPECIAL RECREATION PERMIT MRP-251
2001

I. BACKGROUND

On June 14, 2000, the Grants Pass Active Club submitted an application to amend Special Recreation Permit MRP-251 to include marathon jet boat races, Classes A through C and Unlimited, as part of the Boatnik event on May 26 and 27, 2001. These races would be from Grants Pass to Alameda Park (28 miles) on the Recreation Section of the Rogue National Wild and Scenic River. These races would be in addition to an existing permit authorization which allows for a hydroplane race on Memorial Day from Grants Pass to Robertson Bridge, a distance of 13 miles.

On February 2001, comments on the proposed amendment for the 2001 season were requested from the public via a BLM news release and mail. For the 2001 proposed event, 13 comment letters were received. Some supporters believe the Boatnik event is an integral part of the Memorial Day celebration in Grants Pass and note the positive economic impact the event has on the local community. Other supporters describe the event as being safe and environmentally sound. Some supporters believe conflicts between other river users are minimized to the extent possible and noted that the event occurs only two days a year. Supporters expressed interest in a variety of uses on the river, including power boaters, rafters, and kayakers, and expressed that the spectators, along with tour boat operators and racers, benefit from the event. Individuals who do not support the event express concern about noise and potential impacts to safety and fishing. Concerns about jet boat activity in general and the type and character of the use (i.e. the event was compared to "off road racing" and potentially "disturbed the peace of the river") were also expressed.

The additional races proposed for 2001 are the same as the marathon races authorized and conducted in the 1997, 1998, 1999 and 2000 Boatnik events. In each of these years prior to authorization, the proposals were evaluated by the BLM's interdisciplinary team of resource specialists, public comments were solicited and environmental analysis occurred. Review and assessment occurred during and after each of these earlier years' races. As a part of these assessment processes the US Fish and Wildlife Service was consulted, per the Endangered Species Act, to insure that the terms of the act were met and that the proposed activity was not likely to adversely affect any threatened or endangered wildlife species. Similar consultation was completed on a programmatic basis with the National Marine Fisheries Service in 1997. The annual reviews have considered potential impacts and concluded that proposals are consistent with the Endangered Species Act goals and requirements.

II. DECISION

The decision is to amend the Special Recreation Permit MRP-251 based on the application received from the Grants Pass Active Club for the 2001 marathon jet boat races, Classes A through C and Unlimited, to be conducted as part of the Boatnik event on May 26 and 27, 2001.

The amendment authorizes a jet boat race on May 26 and 27, 2001 from Grants Pass to Alameda Park (28 miles) on the Rogue National Wild and Scenic River. The authorized permit includes all of the provisions in the 2000 permit with the addition of chemical toilets at Hellgate Bridge Kiosk and halfway between the kiosk and the Hellgate Overlook.

This authorization is in addition to an existing permit authorization which allows for a hydroplane race on Memorial Day from Grants Pass to Robertson Bridge, a distance of 13 miles.

The following stipulations must be adhered to and will be incorporated into the permit. A pre-permit authorization meeting will be held with the applicants and appropriate agency personnel to emphasize the terms and conditions of the permit and the conditions identified in this decision and to review the safety action plan.

1. Safety of race participants, spectators, and other river recreationists (float boaters, fishermen, swimmers etc.) will be the primary focus of the permittee. Special emphasis will be placed at county parks and other heavy use areas along the event route. The Grants Pass Active Club will have a presence at these locations to distribute information about the event and to help ensure the safety of other recreationists.
2. Applicants will clearly post race information, including river stretches to be used for the event, river closure times, and event times at ramps and other high use areas along the race route at least two weeks prior to the Boatnik event. This race information will also be distributed through the Grants Pass Daily Courier and to local float boat rental establishments in the Grants Pass, Merlin, and Galice areas two weeks prior to the Boatnik event. Failure to implement the above could be cause for cancellation of the permit.
3. BLM representatives designated to monitor the race, and/or the Oregon State Marine Board representatives, will shut down the race if in their opinion, safe racing conditions, spectator safety, or other public safety is compromised. The "Marine Unit Operations Manual for Boatnik 2001," to be developed by the Josephine County Marine Deputy prior to the Boatnik event, will list safe operating standards.
4. Authorization of this permit is limited to two one-hour use periods for each of two days on May 26 and 27, 2001. Event activities will not exceed these time limitations. However, the river may be closed for longer than two hours, if unsafe situations occur and number three above needs to be initiated. The section of the river being used for the jet boat race will be "cleared" and reopened after the last boat for each race, down river to Alameda Park and upriver to Riverside Park, passes through the course. River clearance will be completed as efficiently and as quickly as possible in order to allow other water-based recreation activities to resume.

5. Within sixty days after the race event, the permit holder will host a meeting to review the jet boat event authorized by this permit amendment. The BLM's Rogue River Manager, River Ranger, Boatnik organizers, Josephine County law enforcement, and an Oregon State Marine Board representative should be in attendance. The objective of the meeting is to thoroughly review/critique the event. Safety and interaction between event participants, spectators, and other river recreationists will be the primary focus of the discussion.

6. Future proposed amendments to Permit MRP-251 must be submitted to the BLM prior to November 30 of the year preceding a proposed event. Applications for proposed modifications to the existing permit will not be accepted after that date. Applications will include a detailed description of the requested amendment. This date ensures adequate administrative time to complete the necessary environmental analysis and time for public input and administrative review of appeals, as needed. This stipulation may be waived in the future if the Hellgate Recreation Area Management Plan Record of Decision authorizes this event.

Additionally, the Grants Pass Active Club will submit the following prior to the approved activity: a current certificate of insurance with the BLM listed as additionally insured, an Oregon State Marine Board permit, and a safety action plan for 2001. In addition, all advance user fees must be paid to the BLM prior to the permitted activity.

III. RATIONALE

This decision is based on the analysis described in the Documentation of Land Use Plan Conformance and NEPA Adequacy (DNA) addressing the amendment to the Grants Pass Active Club's Special Recreation Permit MRP-251, and on the public comments received during "scoping" for this year's proposed event. It is also based on the environmental assessments, decision records, and supporting documentation (see the enclosed DNA) that cover the proposed action and a review of pre and post event public comments from the 1997, 1998, 1999, and 2000 events.

The decision to amend the permit was also based on the following:

a. Safety

Action plans have been developed to address safety concerns raised by race organizers and participants, spectators, and other river users. These plans were developed after numerous discussions with race organizers including organizers of other races similar to this race (Gold Beach race on the lower section of the Rogue National Wild and Scenic River); review of the "Marine Unit Operations Manual for Boatnik" and post race safety evaluations in 1997, 1998, 1999, and 2000; and numerous discussions with BLM's interdisciplinary staff. The Oregon State Marine Board, the agency primarily responsible for boating safety, must concur with the 2001 event action plan and will be considering issuing their permit authorization based on similar findings. A revised plan for 2001 is required to be on file prior to the event.

A primary safety concern is the ability to clear all river users from the race course prior to and during the racing event. The applicant has submitted a plan to ensure that other river users are notified of the event. Established boat launch areas will be occupied by event volunteers with

radios to prevent river access during the race, communication mechanisms will be in place to deal with unsafe situations, and over a dozen law enforcement boats will be on the river to clear river users from the river during the race. The Rogue River Boating Safety and Conflict Study (Environmental Water Resources Consulting, 1995) was used to determine safety issues and formulate actions to mitigate them. In addition, 1997 and 1998 post race safety recommendations have been incorporated into the proposed action and this decision.

b. Recreational Opportunities

The goal of managing the recreation section of the Rogue National Wild and Scenic River is to provide for a wide diversity of water associated recreational activities in such a manner that the outstandingly remarkable values for which the river was designated are not adversely affected. This decision balances the various recreational activities associated with the Rogue River in a way that provides for a diversity of commercial and non commercial recreational uses. This decision carefully considered effects to traditional river uses and existing river permit holders. Early scoping for the 1997, 1998, 1999, and 2000 events identified adjacent land owners, Hellgate Jet Boat Excursions, float boaters, and campers as river associated uses that could be affected if the event was authorized. Race organizers have adjusted race times and implemented processes to have a minimal affect on other permit holders and other traditional uses. Recreational, social, and economic benefits of authorizing this permit outweigh the short term affects to some users from authorizing this event (i.e. displacing other river users for up to two hours per day for two days during the race event). Participants in this event include boat drivers and crews and approximately 40,000 observers.

c. Biological/Ecological Considerations

Although some species of wildlife, primarily birds, may be temporarily displaced from their habitat adjacent to the river during this event, EA Number OR-110-99-03, observations during past events, and public comments did not identify any other significant effects to species behavior or habitat. Most wildlife species who use the riparian habitat are accustomed to the existing 19 jet boat trips a day from May through September and other motorized boat activity that takes place regularly on the river. The potential short term displacement effects do not weigh significantly in the decision.

The Boatnik event occurs within the home range of two breeding pairs of bald eagles. Bald eagles are listed as threatened under the Endangered Species Act. Bald eagle monitoring at both sites was conducted by BLM wildlife biologists in 1999 and 2000. Monitoring results to date indicate that the Boatnik event did not negatively impact the nesting success of these bald eagles. A bald eagle monitoring plan has been written for the Boatnik event and will be implemented in 2001.

Some public comments expressed concern about affects to fisheries. However, neither the NEPA analysis or public comments identified any substantive affects to fish or their habitat. Studies conducted for BLM show that jet boat activities have little, if any, affects on fish during the time periods permitted to commercial jet boats (Effects of Boat Traffic on Juvenile Salmonids in the Rogue River, Satterthwaite, 1995).

Some comments addressed the possibility of soil and bank erosion caused by the wake of the jet boats. Studies completed for the BLM have concluded that wakes are not a significant cause of

erosion in the Rogue River (Klingeman, Cordes, Nam, 1993). Observations of the boats during the race reveal that their wakes are considerably less than wakes caused by jet boats normally using the river.

d. Economic Stabilization and Community Benefits

The Grants Pass area has traditionally been dependent on the extraction of wood products from public lands to help maintain economic stability. Reduced timber extraction from the public lands has resulted in local communities looking for other opportunities to help maintain their economic stability, including recreation and tourism opportunities. The decision to authorize this amendment to the special recreation permit provides continuing opportunity to promote economic development consistent with the mission of the BLM.

This decision is consistent with management objectives found in the Record of Decision for the Northwest Forest Plan, Medford District Record of Decision and Resource Management Plan (June 1995), Rogue National Wild and Scenic River Activity Plan for the Hellgate Recreation Section (November 9, 1978), the Rogue National Wild and Scenic River revised development and management plan (July 7, 1972), and the Rogue National Wild and Scenic River Hellgate Recreation Area Management Plan/Draft Environmental Impact Statement. While the latter plan is pending approval, the proposed action is consistent with the preferred alternative of the plan. The draft analysis did not identify any new or significant adverse impacts from the boat races or high speed boats in general. This decision will not jeopardize the outstandingly remarkable values for which the river was designated under the Wild and Scenic Rivers Act. This decision is in conformance with the Medford District Record of Decision and Resource Management Plan (June 1995) which states that “Under interim protective management, all authorized actions on BLM-administered land within the one-half mile wide corridor must have either a positive or neutral effect on the identified outstandingly remarkable values that resulted in rivers being found eligible/suitable....” (page 69). Motorized boating activities, including events authorized under this decision, have taken place since the 1960's. Jet boat use on the recreation section is a normal activity that regularly occurs from May to September on an annual basis.

IV. FINDING OF NO SIGNIFICANT IMPACT

On the basis of the information contained in the prior environmental assessments and the review documented in the Documentation of Land Use Plan Conformance and NEPA Adequacy, it is my determination that the decision stated above does not constitute significant effects to the quality of the human environment. Therefore, an Environmental Impact Statement is not necessary and will not be prepared.

V. PROVISION FOR APPEAL

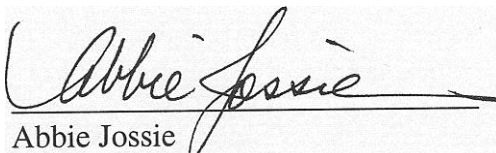
The effective date of this decision shall be the date of publication of the Notice of Decision and FONSI in the Grant Pass Daily Courier.

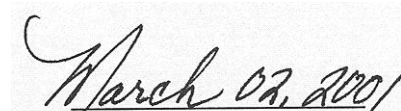
Any person adversely affected by this decision may appeal it to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4. If an appeal is taken, a notice of appeal must be filed in this office (at the above address) within 30 days from the date of this decision. In an appeal the appellant has the burden of showing that the decision is in error.

If, pursuant to 43 CFR 4.21, an appellant wishes to file a petition (request) to stay (suspension) this decision during the time that an appeal is being reviewed by the IBLA, the petition for a stay must accompany the notice of appeal. A petition for a stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision, to the Interior Board of Land Appeals and to the appropriate office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office.

If you request a stay, you have the burden of proof to demonstrate that a stay should be granted. Except as otherwise provided by law or other pertinent regulation, a petition for stay of a decision pending appeal shall show sufficient justification based on the following standards:

- (1) The relative harm to the parties if the stay is granted or denied,
- (2) The likelihood of the appellant's success on the merits,
- (3) The likelihood of immediate and irreparable harm if the stay is not granted, and
- (4) Whether the public interest favors granting the stay.


Abbie Jossie
Field Manager
Grants Pass Resource Area


Date